



## Ground Zero Mosque Redux

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By John Riley

Though few knew about it, the controversy has now landed in court

**NEW YORK CITY – (MCT)** A New York state judge Tuesday said he was leery about overturning a city landmarks preservation agency's decision last year that cleared the way for a controversial mosque and community center near the Sept. 11 ground zero site.

"I'm certainly not an architect by training," Manhattan Supreme Court Justice Paul Feinman told a lawyer for firefighter Tim Brown, a ground zero responder challenging the proposed location of the mosque. "I'm not in a position to say which building requires protection, am I?"



The plan for a 16-story mosque and community center on the site of a 19th-century palazzo-style building at 45-47 Park Place, two blocks north of the World Trade Center footprint, triggered a furious battle last summer over the legacy of Sept. 11.

Such backers as Mayor Michael Bloomberg have portrayed it as a symbol of tolerance, while foes say it is an affront to many Americans.

The legal case, technically, has nothing to do with the merits of putting a mosque near ground zero, but a landmark designation would be a major obstacle to the project.

Opponents say the Landmarks Preservation Commission, which concluded last year that there was nothing distinctive about the site, was influenced by City Hall.

**Adam Leitman Bailey**, a lawyer for building owner Sharif El-Gamal, argued at Tuesday's hearing that Brown's status as a first responder on Sept. 11 didn't give him a sufficient interest in the building — called "standing" in legal parlance — to even file the suit.

"We applaud his efforts on Sept. 11, but it has nothing to do with the building," said **Bailey**, who joined the city in calling for the suit's dismissal. "Because his friends died on that day does not give him standing on a building that's two blocks away."

But a lawyer for the American Center for Law and Justice, the conservative legal group representing Brown, said that no one asked Brown whether he had "standing" when he showed up to help on Sept. 11.

"He certainly has an emotional, moral and personal stake in monuments to that day," said the lawyer, Jack Lester, noting that landing gear from one of the Sept. 11 planes fell at the site.

Feinman must decide whether Brown meets standards for bringing a suit, and whether the landmarks board acted arbitrarily. The judge said he would decide in four weeks.

Outside court, the emotions behind the issue spilled over in dueling news conferences.

"You can't separate the connection between Sept. 11 and radical Islam," Brown said. "This is an affront to ordinary Americans in a way that a church or temple would not be."

**Bailey** said, "This is not about whether it's a historic building. It's about hatred of Muslims. The court needs to lay down the law really hard saying that we're going to protect freedom of religion."